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September 20, 2021

**Via ECF**

The Honorable Jesse M. Furman, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Centre Street, Room 2202  
New York, NY 10007  
(212) 805-0282

Re: **Flores et al v. Boro Concrete Corp. et al**  
**1:21-cv-05006 (JMF)**

Dear Judge Furman:

This office represents the Plaintiffs and opt-in Plaintiffs in the above-referenced matter, and we respectfully submit this letter to request an extension of time for the Plaintiffs to submit their motion for a default judgment against the Defendants, Boro Concrete Corp., and Martin J. Moore, as an individual (collectively, the “Boro Concrete Defendants”), as a result of their failure to litigate or appear in this matter.

**Background**

Plaintiffs commenced this collective action on June 7, 2021, against Defendants, Boro Concrete Corp., and Martin J. Moore, as an individual, and Eric Chavez, as an individual, who was dismissed from this action pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

According to the Affidavits of Service filed on the docket in this matter, Defendant Boro Concrete Corp. was served via the office of the Secretary of State on July 9, 2021 and was required to interpose an answer or otherwise appear in this matter by July 30, 2021 (Dkt. No. 10). Martin J. Moore was served at his place of residence on August 13, 2021, and was required to interpose an answer or otherwise appear in this matter by September 3, 2021 (Dkt. No. 11). As the Court noted in the September 10, 2021 Order (Dkt. No. 12), to date, neither of the Boro Concrete Defendants have answered the Complaint, nor otherwise appeared in this action.

The Court’s September 10, 2021 Order further directed that any motion for default judgment shall be filed no later than September 24, 2021, and that Defendants shall file any opposition to the motion for default judgment no later than October 1, 2021, and appear to show

cause before this Court via teleconference, on October 7, 2021, at 3:00 p.m., why an order should not be issued granting a default judgment against Defendants.

As Plaintiffs are in the process of producing the Plaintiffs' Affidavits in support of their motion for a default judgment, which will require more time due to our office's observance of the coming Jewish holidays, Plaintiffs respectfully request an extension of time on the September 24, 2021 deadline to file their motion, and respectfully request an additional two weeks to do so. If this request is granted, Plaintiffs anticipate being able to file their motion papers on or before Friday, October 8, 2021, and propose this date as the deadline for Plaintiffs to do so, should the Boro Concrete Defendants not appear on this matter, answer the Plaintiffs' complaint, or retain counsel by that time.

As a result of this request, Plaintiffs respectfully request that the October 7, 2021 telephone conference be adjourned to a date after October 8, 2021. This is the first request for an extension of time in this matter.

We thank Your Honor for his consideration in this matter, and we remain available to provide any additional information.

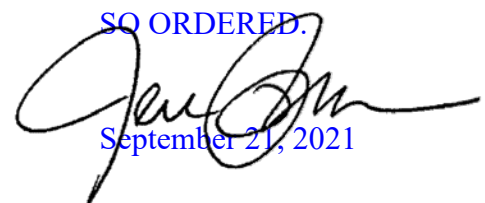
Respectfully submitted,

/s/  
Roman Avshalumov, Esq.

CC: All Defendants: *(Via First Class U.S. Mail)*

Application GRANTED. The deadline for Plaintiffs to file any motion for default judgment is hereby extended to **October 8, 2021**. The deadline for Defendants to file any opposition to the motion for default judgment is hereby extended to **October 15, 2021**. The telephone conference currently scheduled for October 7, 2021, is hereby ADJOURNED to **October 21, 2021, at 4:30 p.m.** The Clerk of Court is directed to terminate ECF No. 16.

SO ORDERED.

  
September 21, 2021